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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,029	06/15/2000	Koji Tsukamoto	826.1610/JDH	9256

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 11/17/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

1724

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/594,029	TSUKAMOTO, KOJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul Nguyen-Ba	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/15/00.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
    If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
    a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Notice to Applicant***

1. This action is in response to communications:
  - a. Original application filed on June 15, 2000;
  - b. Information Disclosure Statement (IDS) filed on June 15, 2000, and attached copies of the references.
2. Claims 1-18 have been considered. Claims 1, 4, 5, 10, 12, 13, 14, 15, 16, 17, 18 are independent claims.

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Japanese Patent Application No.11-168552, filed on June 15, 1999.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Egger et al. ("Egger"), U.S. Patent No. 6,233,571.

**Independent Claim 1**

Egger discloses *a reference reason identifying apparatus, comprising:*

*a referred document extracting device extracting document information about a referred document from given document data (see Figure 3B - 96; column 4, lines 3-5; column 16, lines 37-39, 55+ → Initial Extractor Subroutine extracts and initializes data information);*

*a reference position extracting device extracting information about a position where the referred document is cited in the document data (see Figure 3A, 3B - 80, 84, 88; column 4, lines 16-30; column 16, lines 39-48, 55+ → CSPDM evaluates the indexed paragraphs or sections of a full text);*

*an identification device analyzing the information extracted by the reference position extracting device and identifying a reason indicating why the referred document is cited (see Figure 3A, 3B - 78, 80, 88, 100, 116; column 4, lines 12-20; column 5, lines 6-10, 32-36) column 16, lines 39-42; column 17, lines 34-37; column 18, lines 22-25 → CSPDM determines characteristics of each object including its importance, and degree of relatedness); and*

*an output device outputting output information including the information extracted by the reference document extracting device and the reason why the referred document is cited (see Figure 5A-5H; column 5, lines 56-57; column 28, lines 24-25; column 29, lines 32-38 → displays key precedent and guidance as to possible gradations in between extensive or merely citing).*

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### **Claim 2**

Egger further discloses *a document information extracting device extracting document information about the document data from the document data, wherein said output device outputs the information extracted by the document information extracting device together with the output information* (see Figure 5B; column 29, lines 6-8; column 31, lines 14-19 → full text information display).

### **Claim 3**

Egger further discloses *a reference reason identifying apparatus, wherein said identification device identifies the reason why the referred document is cited based on at least one of information about a chapter to which the position where the referred document is cited belongs* (see column 13, lines 59-61; column 14, lines 8-16; column 16, lines 39-48, 64+); *and information about a character string in the neighborhood of the position where the referred document is cited* (see column 4, lines 20-25 → identifies sections (i.e. character strings or chapters) of a document and determines why they are related).

### **Independent Claim 4**

With respect to independent claim 4, refer to the rationale relied upon to reject claim 1. Furthermore, Egger discloses *a keyword extraction device extracting keyword information of the referred document from information in the neighborhood of the position where the reference document is cited* (see column 17, lines 23-28 → searches for and extracts set of English core words).

### **Independent Claim 5**

Egger discloses *an information retrieval apparatus, comprising:*

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*a document database device storing document data (see Figure 1 – 54; column 3, lines 54-55, 66+; column 10, lines 26-27, 41-43);*

*a reference correlation storage device storing a reference correlation including a reference reason indicating why a referred document is cited by a specific document (see Figure 2; column 4, lines 5-9; column 11, lines 49-51);*

*a retrieval device retrieving the document data stored in the document database device using the reference correlation stored in the reference correlation storage device (see Figure 2; column 11, lines 58-59 → CSPDM retrieves the requested objects); and*

*an output device outputting a retrieval result including the reference reason (see Figure 2; column 7, lines 15-33, column 12, lines 1-9).*

**Claim 6**

With respect to claim 6, refer to the rationale relied upon to reject claim 1. Furthermore, Egger further discloses an information retrieval apparatus comprising *a device storing information including the information extracted by the referred document extracting device and the reference reason in said reference correlation storage device (see Figure 1 – 54; column 3, lines 54-55; column 4, lines 5-9; column 10, lines 26-27, 41-43; column 11, lines 49-51).*

**Claim 7**

Egger further discloses an information retrieval apparatus wherein *said reference correlation storage device stores keyword information of the referred document extracted from the specific document (see column 17, lines 23-28), and said retrieval device retrieves the document data using the keyword information (see Figure 2; column 11, lines 58-59).*

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**Claim 8**

Egger further discloses an information retrieval apparatus wherein *said output device includes a display device graphically displaying the reference correlation based on the reference reason* (see Figure 2; column 7, lines 15-33, column 12, lines 1-9).

**Claim 9**

Egger further discloses an information retrieval apparatus wherein *said output device includes a display device displaying the reference correlation in a time series* (see ABSTRACT; column 29, lines 25-27; column 32, lines 25-32 → reference cases can be displayed according to time of decision or date of decision).

**Independent Claim 10**

Egger discloses *a document classifying apparatus, comprising a similarity identification device calculating a similarity in reference correlation including a reason indicating why a referred document is cited, between a plurality of pieces of document data, and classifying the plurality of the pieces of the document data* (see Figure 2 – 62; Figure 3A; column 3, lines 24-30; column 13, lines 41-50; column 16, lines 37+ → Proximity Indexing Application Program indexes the references); *and an output device outputting a classification result* (see Figure 2; column 7, lines 15-33, column 12, lines 1-9).

**Claim 11**

Egger further discloses *a document classifying apparatus comprising a keyword extraction device extracting keyword information of the referred document from information in the neighborhood of the position where the referred document is cited* (see column 17, lines 23-

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28), wherein said similarity identification device classifies the plurality of the pieces of the document data using the keyword information (see Figure 2; column 11, lines 58-59).

**Independent Claim 12**

Claim 12 incorporates substantially similar subject matter as claim 5, and is rejected along the same rationale.

**Independent Claim 13**

Egger discloses *a computer-readable storage medium on which is recorded a program enabling a computer to execute a process* (see column 11, lines 2-34). With respect to independent claim 13, refer to the rationale relied upon to reject claim 1.

**Independent Claim 14**

Egger discloses *a computer-readable storage medium on which is recorded a program enabling a computer to execute a process* (see column 11, lines 2-34). With respect to independent claim 14, refer to the rationale relied upon to reject claim 5.

**Independent Claim 15**

Egger discloses *a computer-readable storage medium on which is recorded a program enabling a computer to execute a process* (see column 11, lines 2-34). With respect to independent claim 15, refer to the rationale relied upon to reject claims 1 and 10.

**Independent Claim 16**

Egger discloses *a reference reason identifying apparatus*. With respect to independent claim 16, refer to the rationale relied upon to reject claim 1.



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**Independent Claim 17**

Egger discloses *an information retrieval apparatus*. With respect to independent claim 17, refer to the rationale relied upon to reject claim 5.

**Independent Claim 18**

Egger discloses *a document classifying apparatus with means*. With respect to independent claim 18, refer to the rationale relied upon to reject claim 1.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,832,494	issued on	11-1998	Egger et al.
5,870,770	issued on	02-1999	Wolfe, Mark A.
6,263,351	issued on	07-2001	Wolfe, Mark A.
6,356,922	issued on	03-2002	Schilit et al.
6,044,378	issued on	03-2000	Gladney, Henry Martin

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (703) 305-8776. The examiner can normally be reached on 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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PNB

  
JOSEPH H. FEILD  
PRIMARY EXAMINER